

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JESSE L. ROBERTS,
Plaintiff,

v.

ALCON LABORATORIES,
Defendant.

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§

Civil Action File No. _____

INDEX OF EXHIBITS TO NOTICE OF REMOVAL

Ex. B	Index of Documents Filed in the State Court Action
Ex. C	Copy of Docket Sheet in the State Court Action
Ex. D	Documents Filed in the State Court Action
Ex. D-1	Plaintiff's Original Petition and Request for Disclosure
Ex. D-2	Citation Issued on Alcon Laboratories
Ex. D-3	Request for Citation to be Emailed after Issuance
Ex. D-4	Affidavit of Service – Filed in Wrong Case
Ex. D-5	Affidavit of Service – Alcon
Ex. D-6	Affidavit of Service – Alcon
Ex. E	Corporate Disclosure Statement
Ex. F	Executed Process Served on Defendant

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JESSE L. ROBERTS,
Plaintiff,

v.

ALCON LABORATORIES,
Defendant.

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§

Civil Action File No. _____

INDEX OF DOCUMENTS FILED IN THE STATE COURT ACTION

Date Filed	Document
5/26/2021	Plaintiff's Original Petition and Request for Disclosure
5/26/2021	Citation Issued on Alcon Laboratories
5/26/2021	Request for Citation to be Emailed after Issuance
6/02/2021	Affidavit of Service – Filed in Wrong Case
6/02/2021	Affidavit of Service – Alcon
6/02/2021	Affidavit of Service – Alcon

EXHIBIT C



Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

06/21/2021 11:03 AM

Court : 017 ▼ Case : 325462 Search New Search ☐ Show Service Documents ONLY

Cause Number : 017-325462-21

Date Filed : 05-26-2021

JESSE I. ROBERTS | VS | ALCON LABORATORIES

Cause of Action : EMPLOYMENT, DISCRIMINATION

Case Status : PENDING

File Mark	Description	Assessed Fee	Credit/Paid Fee
05-26-2021	<u>PLTF'S ORIG PET & REQ FOR DISCL</u>	N	<u>\$289.00</u>
05-26-2021	<u>PAYMENT RECEIVED trans #1</u>	Y	<u>\$289.00</u>
05-26-2021	<u>CIT-ISSUED ON ALCON LABORATORIES- On 05/27/2021</u>	N <u>Svc</u>	<u>\$8.00</u>
05-26-2021	<u>PAYMENT RECEIVED trans #3</u>	Y	<u>\$8.00</u>
05-26-2021	<u>REQ FOR CIT TO BE EMAILED AFTER ISSUANCE</u>		<u>\$0.00</u>
05-26-2021	<u>JURY FEE</u>	N	<u>\$40.00</u>
05-26-2021	<u>PAYMENT RECEIVED trans #6</u>	Y	<u>\$40.00</u>
06-02-2021	<u>RTN OF SVC-FILED IN THE WRONG CASE</u>		<u>\$0.00</u>
06-02-2021	<u>RTN OF SVC-ALCON LABORATORIES</u>		<u>\$0.00</u>
06-02-2021	<u>CIT Tr# 3 RET EXEC(ALCON LABORATORIES) On 05/28/2021</u>		<u>\$0.00</u>

EXHIBIT D-1

CAUSE NO. 017-325462-21

JESSE I. ROBERTS,	§	IN THE DISTRICT COURT
	§	
Plaintiff	§	
	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
ALCON LABORATORIES	§	
	§	
Defendant	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Jesse I. Roberts, Plaintiff herein sometimes referred to as “Roberts”), and files his Original Petition and Request for Disclosure complaining of Alcon Laboratories, Defendant herein, and respectfully shows the Court the following:

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 according to Rule 190.1 of the Texas Rules of Civil Procedure.

II. PARTIES

Plaintiff is currently a resident of Sienna, Texas.

Defendant is a Foreign Corporation doing business in Texas. Its principal place of business is located in Fort Worth, Texas. It may be served with process by serving its registered agent, Corporation Service Company at 211 E. 7th St., Suite 620, Austin, TX 78701.

As required by the Texas Civil Practice & Remedies Code, 30.014, the last three digits of Plaintiff's social security number and Texas driver's license numbers are 448 and 712, respectively.

III. VENUE

Venue is proper in Tarrant County, Texas because Tarrant County is the location of the principal place of business of Defendant.

IV. RULE 47 STATEMENT

Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of over \$250,000, but not more than \$1,000,000, as well as non-monetary relief.

V. FACTS

Plaintiff's date of birth is October 31, 1977, and he is Hispanic. Plaintiff was hired by Defendant on June 16, 1999, and became an accomplished professional with many successful years of accomplishment at Defendant. For the last 10 years of his employment, Roberts received "Exceeds" expectation evaluations from his

superiors. He was appreciated for his good work with Defendant and, during his tenure with Defendant was promoted to ever higher positions in the organization. Finally, on March 16, 2020, he was promoted to the position of Site Head, Engineering & Facilities in Defendant's Houston facility even though he had been notified that he was under investigation for inappropriate interaction with other staff members.

During his employment with Defendant, Roberts was always diligent and successful in his work and received favorable evaluations from the company. His work was always exemplary, but the allegations against him asserted that he became inebriated at a function after hours and made inappropriate comments to a female employee. Roberts was embarrassed about the incident in question. On April 17, 2020, Roberts received a written letter of warning from the company at the end of the investigation. The letter stated, in part: "We consider this matter closed and we expect your cooperation in maintaining the confidentiality of this complaint, and that you will not discuss this with customers or colleagues and not attempt to determine the source of how this initially reported or take any action that might be construed as retaliation against any individuals whom you suspect may have talked with Alcon on this situation. Any attempt at retaliation will be grounds for disciplinary action, which could include termination of your employment."

After receiving this letter, Roberts decided to speak with other employees he knew were a part of the investigation to see if he could figure out how to avoid any such complaints being raised against him in the future. He was told in the investigation who had made the complaint against him, so he did not attempt to find out this information, and he had no desire to retaliate against anyone. Roberts, instead, tried to get input into how he could improve his interactions with other employees. His communications were with employees who were his age or younger, and non-Hispanic, and those employees discussed the situation with him.

On July 13, 2020, Roberts was notified that he was being fired for violating the company's Confidentiality Policy, Code of Business Conduct for discussing the conversations he had with the younger workers in an effort to improve himself. Roberts believed that he did not violate the policies of the company and that he fully complied with the warning letter he was given. He also noticed that the younger, non-Hispanic employees were not disciplined for having those same conversations.

VI. DISCRIMINATION AND RETALIATION

At all times herein relevant, Defendant was an employer of Plaintiff, and Plaintiff was an employee of Defendant as these terms are defined in Title VII of the Civil Rights Act of 1964, 42 USC §2000e, et seq. (Title VII), the Texas Commission on Human Rights Act (TCHRA), codified at TEX. LAB. CODE §21.051 (Vernon

1996) and the Age Discrimination Act of 1967 (ADEA). In blatant violation of Title VII, the TCHRA and the ADEA, Defendant's employees engaged in practices towards Plaintiff which willfully discriminated against him on the basis of Plaintiff's age and national origin, and retaliated against him, including, but not limited to, the specific discriminatory and harassing acts described herein. Consequently, Plaintiff seeks redress for unlawful discrimination and retaliation under Title VII, the TCHRA and ADEA. Additionally, Defendant's actions were committed with malice and reckless indifference to Plaintiff's rights pursuant to §21.2585 of the TCHRA and willful under the ADEA.

As a result of Defendant's acts and omissions, Plaintiff has suffered stress, high blood pressure, and anxiety, all of which have negatively impacted his emotional condition and self-esteem. In addition, his termination caused him to lose his salary and bonuses, all health benefits, contribution to his 401(k) retirement plan, and all other benefits he received from Defendant as one of its employees. While Plaintiff later found another job, he will be earning less in his new position than he was earning with Defendant.

In October of 2020 Plaintiff contacted the Equal Employment Opportunity Commission (EEOC) about filing a dual-filed charge of discrimination against Defendant on the basis of Age, National Origin and retaliation. The charge was to

be filed with the Equal Employment Opportunity Commission (EEOC) and its agent, the Texas Workforce Commission, Civil Rights Division (TWCCRD). The EEOC finally got the charge to Roberts on February 21, 2021, and he filed it that day. Plaintiff received his Notice of Right to Sue from the EEOC on February 26, 2021, and his Notice of Right to File a Civil Action from the TWCCRD on May 21, 2021.

Accordingly, all administrative prerequisites have been fulfilled prior to the filing of this lawsuit.

VII. REQUEST FOR DISCLOSURE

Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests Defendant to disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

VIII. ATTORNEYS' FEES

As a result of Defendant's unlawful actions set forth herein, Plaintiff has been required to retain the services of the law firm of David Fielding, PC to represent his interests and is entitled to recover of and from Defendant all reasonable attorneys' fees to compensate such attorneys for their services performed in connection with this lawsuit.

IX. JURY DEMAND

Plaintiff hereby demands trial by jury as to all issues so triable.

X. DAMAGES

As a result of Defendant's unlawful discrimination and tortious conduct, Plaintiff has suffered the following damages:

- (A) Damages in a sum in excess of this Court's minimum jurisdictional requirements representing wages which he has lost, and will lose in the future, including the loss of wage earning capacity, including any and all salary increases he would have received in the absence of discrimination and/or retaliation, as well as health benefits since the date on which the unlawful conduct occurred;
- (B) Damages in a sum in excess of this Court's minimum jurisdictional requirements representing all lost fringe benefits;
- (C) Compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses in a sum in excess of this Court's minimum jurisdictional requirements, or, in the alternative liquidated damages under the ADEA;
- (D) Plaintiff seeks reinstatement to his former position with Defendant. However, because of the unlawful actions of Defendant, reinstatement pursuant to Texas Labor Code Annotated §21.258 may not be feasible; as such, Plaintiff seeks, in the alternative, equitable front pay; and
- (E) Defendant's actions were committed with malice or with reckless indifference to Plaintiff's rights, and accordingly, he seeks punitive damages from Defendant in an amount in excess of this Court's minimum jurisdictional requirements.

XI. INJUNCTIVE RELIEF

Pursuant to Section 21.257 of the Texas Labor Code, Plaintiff asks the Court to (1) enjoin the Defendant from engaging in unlawful employment practices, and

(2) to reinstate Plaintiff with back pay, or in the alternative to award Plaintiff Front Pay in an amount to be proven at the time of trial.

XII. PRAYER

WHEREFORE, Plaintiff respectfully requests that Defendant be cited to appear and answer herein and that upon final hearing, Plaintiff have judgment against Defendant as follows:

1. That this Court adjudge and decree that Defendant has violated Texas Labor Code Ann. § 21.051, Title VII and the ADEA;
2. That this Court award Plaintiff actual damages for loss of revenue including front-pay, back-pay, fringe benefits, future salary increases;
3. That this Court award compensatory damages against Defendant;
4. That this Court award liquidated and punitive damages against Defendant;
5. That this Court award pre-judgment interest and post-judgment interest at the highest rate allowed by law;
6. That this Court award attorneys' fees as requested herein;
7. That this Court award Plaintiff all costs of this action;
8. That this Court order the affirmative relief of reinstatement or, alternatively, award front pay, as requested herein, until Plaintiff's retirement, plus appropriate retirement and fringe benefits adjustments for that same period;
9. That this Court award Plaintiff any benefit which would have been paid to her had Defendant not terminated her employment; and

10. That this Court grant Plaintiff additional equitable and legal relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ David Fielding

David Fielding

State Bar No. 06974500

DAVID FIELDING, PC
101 Summit Ave, Suite 1010
Fort Worth, Texas 76102-2617
817/529-6070 Telephone
817/529-0037 Facsimile
ATTORNEYS FOR PLAINTIFF
JESSE I. ROBERTS

EXHIBIT D-2

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS

VS.

ALCON LABORATORIES

TO: ALCON LABORATORIES

B/S REG AGT-CORPORATION SERVICE COMPANY 211 E 7TH ST STE 620 AUSTIN, TX 7870

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

JESSE I ROBERTS

Filed in said Court on May 26th, 2021 Against
ALCON LABORATORIES

For suit, said suit being numbered 017-325462-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

DAVID FIELDING

Attorney for JESSE I ROBERTS Phone No. (817)529-6070

Address 101 SUMMIT AVE STE 1010 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 27th day of May, 2021.

By Natalie Thigpen Deputy
NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01732546221000003*

Received this Citation on the _____ day of _____, _____ at _____ o'clock ____M; and executed at _____ within the county of _____, State of _____ at _____ o'clock ____M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal): _____

County of _____, State of _____

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS

VS.

ALCON LABORATORIES

ISSUED

This 27th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

DAVID FIELDING

Attorney for: JESSE I ROBERTS
Phone No. (817)529-6070

ADDRESS: 101 SUMMIT AVE STE 1010

FORT WORTH, TX 76102

CIVIL LAW



01732546221000003

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

EXHIBIT D-3

017-325462-21

FILED
TARRANT COUNTY
5/26/2021 3:29 PM
THOMAS A. WILDER
DISTRICT CLERK

David Fielding, pc

Attorney

Mallick Tower, Suite 1010

101 Summit Ave

Fort Worth, TX 76102-2617

Main Number: 817-632-1343

Direct: 817- 529-6070

Fax: 817-529-0037

Cell: 817-996-8673

May 26, 2021

David Fielding
dfielding@fieldingpc.com

Clerk
17th Judicial District Court
Tom Vandergriff Civil Courts Building
101 North Calhoun Street
Fort Worth, Texas 76196

Via E-Filing

Re: Case #017-325462-21
Jesse I. Roberts v. Alcon Laboratories

Dear Clerk:

With regard to the above-referenced case, this letter is to request that once the Citation is issued, that it be addressed to:

Corporation Service Company
211 E. 7th Street
Suite 620
Austin, Texas 78701

Please e-mail the Citation to:

dfielding@fieldingpc.com

Also, we request that the jury fee be paid.

Thank you for your courteous attention to this request.

Sincerely,

/s/ David Fielding
David Fielding

EXHIBIT D-4

017-325462-21

FILED
TARRANT COUNTY
6/2/2021 3:15 PM
THOMAS A. WILDER
DISTRICT CLERK

AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

37th Judicial District Court

Case Number: 2021CI09937

Plaintiff:

**MAXIE HEMBY, INDIVIDUALLY, AS NEXT OF KIN OF JESSE MONTOYA
DECEASED, AND AS WRONGFUL DEATH BENEFICIARY**

vs.

Defendant:

ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC., et al

Received these papers on the 27th day of May, 2021 at 3:30 pm to be served on **TENASKA INC. care of its Registered Agent, THE PRENTICE-HALL CORPORATION SYSTEM, INC., 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.**

I, Thomas Kroll, being duly sworn, depose and say that on the 28th day of May, 2021 at 9:20 am, I:

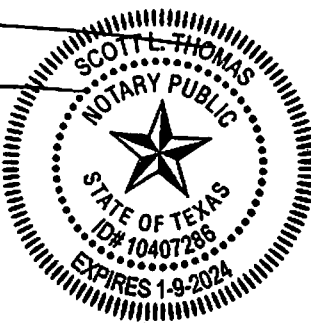
hand delivered a true copy of this Citation together with Plaintiff's Original Petition to **TENASKA INC. care of its Registered Agent, THE PRENTICE-HALL CORPORATION SYSTEM, INC.,** by and through its designated agent, **SAMANTHA GUERRA**, at the address of: **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of May, 2021 by the affiant who is personally known to me.



NOTARY PUBLIC



Thomas Kroll
PSC - 3012, Exp. 8/31/2021

Our Job Serial Number: THP-2021002614
Ref: 147-0116



PRIVATE PROCESS

Case Number: 2021CI09937

MAXIE HAMBY VS ELECTRIC RELIABILITY COUNCIL OF TEXAS INC ET AL

IN THE 37th District Court
BEXAR COUNTY, TEXAS

(Note: Attached Document May Contain Additional Utigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: Tenaska Inc

BY SERVING ITS REGISTERED AGENT PRENTICE HALL CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the on this the 18th day of May, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26th day of May, 2021.

PATRICK A LUFF

ATTORNEY FOR PLAINTIFF

5473 BLAIR RD

DALLAS TX 75231-2328



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: /s/ Alexandra Johnson

Alexandra Johnson, Deputy

MAXIE HAMBY VS ELECTRIC RELIABILITY
COUNCIL OF TEXAS INC ET AL

Officer's Return

Case Number: 2021CI09937

Court: 37th District Court

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with the attached ORIGINAL PETITION on the date of delivery endorsed on it to the defendant _____, in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____
_____ County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____
_____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

EXHIBIT D-5

FILED
TARRANT COUNTY
6/2/2021 3:07 PM
THOMAS A. WILDER
DISTRICT CLERK

AFFIDAVIT OF SERVICE

State of Texas

County of Tarrant

Judicial District Court

Case Number: 017-325462-21

Plaintiff:

JESSE I. ROBERTS

vs.

Defendant:

ALCON LABORATORIES

Received these papers on the 28th day of May, 2021 at 11:45 am to be served on **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY, 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.**

I, Jeff Keyton, being duly sworn, depose and say that on the 28th day of May, 2021 at 3:10 pm, I:

hand delivered a true copy of this Citation together with Plaintiff's Original Petition and Request for Disclosure to **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY**, by and through its designated agent, **SAMANTHA GUERRA**, at the address of: **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such process the date of delivery.

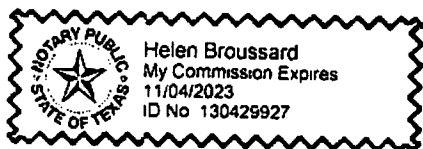
I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of May, 2021 by the affiant who is personally known to me.


Jeff Keyton
PSC-735/Exp 7/31/2022

Our Job Serial Number: THP-2021002632
Ref: 1470219


NOTARY PUBLIC



THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS
VS.
ALCON LABORATORIES

TO: ALCON LABORATORIES

B/S REG AGT-CORPORATION SERVICE COMPANY 211 E 7TH ST STE 620 AUSTIN, TX 7870

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

JESSE I ROBERTS

Filed in said Court on May 26th, 2021 Against
ALCON LABORATORIES

For suit, said suit being numbered 017-325462-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

DAVID FIELDING
Attorney for JESSE I ROBERTS Phone No. (817)529-6070
Address 101 SUMMIT AVE STE 1010 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 27th day of May, 2021.

By

Natalie Thigpen
NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
(By: /s/ Natalie Thigpen)

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01732546221000003*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M, and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal): _____

County of _____, State of _____

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS

VS.

ALCON LABORATORIES

ISSUED

This 27th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By **NATALIE THIGPEN** Deputy

DAVID FIELDING
Attorney for: **JESSE I ROBERTS**
Phone No. (817)529-6070
ADDRESS: 101 SUMMIT AVE STE 1010
FORT WORTH, TX 76102

CIVIL LAW



01732546221000003
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

EXHIBIT D-6

FILED
TARRANT COUNTY
6/2/2021 3:07 PM
THOMAS A. WILDER
DISTRICT CLERK

AFFIDAVIT OF SERVICE

State of Texas

County of Tarrant

Judicial District Court

Case Number: 017-325462-21

Plaintiff:

JESSE I. ROBERTS

vs.

Defendant:

ALCON LABORATORIES

Received these papers on the 28th day of May, 2021 at 11:45 am to be served on **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY, 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.**

I, Jeff Keyton, being duly sworn, depose and say that on the 28th day of May, 2021 at 3:10 pm, I:

hand delivered a true copy of this Citation together with Plaintiff's Original Petition and Request for Disclosure to **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY**, by and through its designated agent, **SAMANTHA GUERRA**, at the address of: **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such process the date of delivery.

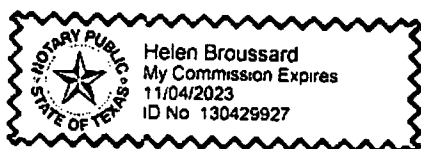
I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of May, 2021 by the affiant who is personally known to me.


Jeff Keyton
PSC-735/Exp 7/31/2022

Our Job Serial Number: THP-2021002632
Ref: 1470219


NOTARY PUBLIC



THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS
VS.
ALCON LABORATORIES

TO: ALCON LABORATORIES

B/S REG AGT-CORPORATION SERVICE COMPANY 211 E 7TH ST STE 620 AUSTIN, TX 7870

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

JESSE I ROBERTS

Filed in said Court on May 26th, 2021 Against
ALCON LABORATORIES

For suit, said suit being numbered 017-325462-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

DAVID FIELDING
Attorney for JESSE I ROBERTS Phone No. (817)529-6070
Address 101 SUMMIT AVE STE 1010 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 27th day of May, 2021.

By

Natalie Thigpen
NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
(By: /s/ Natalie Thigpen)

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01732546221000003*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M, and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal): _____

County of _____, State of _____

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS

VS.

ALCON LABORATORIES

ISSUED

This 27th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By **NATALIE THIGPEN** Deputy

DAVID FIELDING
Attorney for: **JESSE I ROBERTS**
Phone No. (817)529-6070
ADDRESS: 101 SUMMIT AVE STE 1010
FORT WORTH, TX 76102

CIVIL LAW



01732546221000003
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JESSE I. ROBERTS,
Plaintiff,

v.

ALCON LABORATORIES,
Defendant.

§
§
§
§
§
§
§

Civil Action File No. _____

**CORPORATE DISCLOSURE STATEMENT OF DEFENDANTS ALCON
LABORATORIES, INC., ALCON CARES, INC., AND ALCON VISION, LLC**

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Defendant Alcon Research, LLC, incorrectly named Alcon Laboratories, states as follows:

1. The parent company of Alcon Research, LLC is Alcon Inc., which owns 100% of Alcon Research LLC's stock.

Dated: June 25, 2021

Respectfully submitted,

GREENBERG TRAURIG LLP

By: s/ Shira R. Yoshor

Shira R. Yoshor

Texas Bar No. 00788730

yoshors@gtlaw.com

Angeles Garcia Cassin

Texas Bar No. 24087561

cassina@gtlaw.com

1000 Louisiana Street, Suite 1700

Houston, Texas 77002

Tel: 713-374-3500

Fax: 713-374-3505

***Attorneys for Defendant Alcon Research,
LLC***

EXHIBIT F

FILED
TARRANT COUNTY
6/2/2021 3:07 PM
THOMAS A. WILDER
DISTRICT CLERK

AFFIDAVIT OF SERVICE

State of Texas

County of Tarrant

Judicial District Court

Case Number: 017-325462-21

Plaintiff:

JESSE I. ROBERTS

vs.

Defendant:

ALCON LABORATORIES

Received these papers on the 28th day of May, 2021 at 11:45 am to be served on **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY, 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.**

I, Jeff Keyton, being duly sworn, depose and say that on the 28th day of May, 2021 at 3:10 pm, I:

hand delivered a true copy of this Citation together with Plaintiff's Original Petition and Request for Disclosure to **ALCON LABORATORIES** care of its Registered Agent, **CORPORATION SERVICE COMPANY**, by and through its designated agent, **SAMANTHA GUERRA**, at the address of: **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of May, 2021 by the affiant who is personally known to me.


Jeff Keyton
PSC-735/Exp 7/31/2022

Our Job Serial Number: THP-2021002632
Ref: 1470219


NOTARY PUBLIC



THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS
VS.
ALCON LABORATORIES

TO: ALCON LABORATORIES

B/S REG AGT-CORPORATION SERVICE COMPANY 211 E 7TH ST STE 620 AUSTIN, TX 7870

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

JESSE I ROBERTS

Filed in said Court on May 26th, 2021 Against
ALCON LABORATORIES

For suit, said suit being numbered 017-325462-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

DAVID FIELDING
Attorney for JESSE I ROBERTS Phone No. (817)529-6070
Address 101 SUMMIT AVE STE 1010 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 27th day of May, 2021.

By

Natalie Thigpen
NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
(By: /s/ Natalie Thigpen)

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01732546221000003*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M, and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal): _____

County of _____, State of _____

CITATION

Cause No. 017-325462-21

JESSE I. ROBERTS

VS.

ALCON LABORATORIES

ISSUED

This 27th day of May, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By **NATALIE THIGPEN** Deputy

DAVID FIELDING

Attorney for: **JESSE I ROBERTS**
Phone No. (817)529-6070
ADDRESS: 101 SUMMIT AVE STE 1010
FORT WORTH, TX 76102

CIVIL LAW



01732546221000003
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 05/27/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen